

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cr418

UNITED STATES OF AMERICA

vs.

LARRY MATKINS

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ORDER

THIS MATTER is before the Court upon the defendant's Notice of Appeal and Motion to Revoke Detention Order, pursuant to 18 U.S.C. § 3145(b). (Doc. No. 7).

The defendant was indicted on October 26, 2006, for possessing: Ecstasy with intent to distribute (Count One); marijuana (Count Two); a short-barreled shotgun in furtherance of a drug trafficking crime (Count Three), and; a short-barreled shotgun after being convicted of a felony (Count Four). (Doc. No. 1: Indictment). The defendant was detained by Magistrate Judge David C. Keesler after a hearing on November 13, 2006. (Doc. No. 6: Order).

A district court is required to make an independent, de novo determination when acting on a motion to revoke or amend a magistrate judge's pretrial detention order. United States v. Stewart, 19 Fed. Appx. 46, 48 (4th Cir. 2001)(citing United States v. Rueben, 974 F.2d 580, 585-86 (5th Cir. 1992). However, a district court is not required to hold an additional evidentiary hearing as part of its review. United States v. King, 849 F.2d 485, 489-90 (11th Cir. 1988); United States v. Hare, 873 F.2d 796, 799 (5th Cir. 1989). After conducting its independent review, a district court may explicitly adopt the magistrate judge's order without making duplicate findings or may state additional reasons supporting pretrial detention. King, 849 F.2d at 490-91.

Here, the Court has carefully conducted a de novo review of the evidence presented before the magistrate judge and the entire record in this case. The Court finds the magistrate judge's factual findings and legal conclusions were correct, and, thus, adopts the magistrate judge's Order of Detention Pending Trial (Doc. No. 6) in its entirety.

IT IS, THEREFORE, ORDERED that the defendant's motion to revoke the detention order (Doc. No. 7) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: November 21, 2006

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

